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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,453	08/20/2003	Francisco Javier Ramirez Aldana	100202945-1	7022

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EXAMINER

HONG, JOHN C

ART UNIT PAPER NUMBER

3726

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

TW

<b>Office Action Summary</b>	<b>Application No.</b> 10/644,453	<b>Applicant(s)</b> ALDANA ET AL.	
	<b>Examiner</b> John C. Hong	<b>Art Unit</b> 3726	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 26-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5-14,17,18,20-24 and 29-31 is/are rejected.
- 7) ☒ Claim(s) 2-4,13,15,16,19 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/20/03</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Applicant's election without traverse of species I, claims 21-25 in the reply filed on 9/23/05 is acknowledged.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,5-7,9,10,12,14,17 and 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Edwards (U.S. Patent 6266871).

Edwards discloses : Regarding Claim(s) 1 and 5-7, apparatus for closing fasteners (4) in workpiece (72), the apparatus comprising: a plurality of fastener clinches (58,66), the plurality of fastener clinches being adapted for operable engagement with a plurality of fastener dispensers (2), the plurality of fastener clinches comprising structure adapted to generally simultaneously close a plurality of fasteners discharged by the fastener dispensers; an actuation mechanism (48,50)for moving the fastener clinches to contact and close the fasteners in the media; and a drive (64) for powering the actuation mechanism (Fig. 1; col. 5, line 8-col.6, line 17); Regarding Claim(s) 9,10,12,14 and 17, a fastening device, comprising: a transporter (70)for transporting workpiece with respect to the fastening device (col. 5, lines 46-53); a fastener head (62) for discharging a fastener (4) into workpiece transported by the transporter; a closing mechanism (58,66)for closing the fastener; and a motor (64) for actuating both the transporter and the closing mechanism (Fig. 1); Regarding Claim(s) 18-20, an assembly for use in fastening

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workpiece together, the assembly comprising: means (48,50) for applying force to release a staple (4) from a staple dispenser (2); means (58,66) for clinching the staple into a closed position, the means for clinching first moving together with the means for applying to both position the workpiece and to apply the force, the means for clinching subsequently moving relative to the means for applying to clinch the staple; and means for actuating (64) both the means for applying and the means for clinching; and Regarding Claim(s) 29-31, an apparatus, comprising: a workpiece (72) receiving apparatus (70) having a spine for receiving workpiece to be stapled ; multiple stapler heads (62) movable in a direction parallel to the spine of the workpiece receiving apparatus ; and a plurality of active clinches (58) positioned along the spine of the workpiece receiving apparatus ; wherein the multiple stapler heads are moved to desired positions over the active clinches for generally simultaneously discharging staples (40) into the workpiece (Fig. 1).

It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ 2d 1647 (1987).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art (AAPA) in view of Edwards (U.S. Patent 6266871).

AAPA as found on page 1, lines 7-21 of the specification, discloses a method of a fastening media.

But AAPA fails to teach the steps comprising: moving the media into contact with a fastener head; discharging a fastener from the fastener head into the media; clinching the fastener with a clinch to bind the media; and moving a guide between the clinch and the fastener head, the guide being used to guide the media, and using a single motor to accomplish at least the moving of the media, the clinching, and the moving of the guide.

Edwards teaches the steps comprising: moving workpiece (72) into contact with a fastener head (62); discharging a fastener from the fastener head into the workpiece ; clinching the fastener with a clinch (58,66) to bind the workpiece ; and moving a guide (70) between the clinch and the fastener head, the guide being used to guide the workpiece , and using a single motor (64) to accomplish at least the moving of the workpiece, the clinching, and the moving of the guide (Fig.1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the steps of Edwards on the method of AAPA so as to apply plurality of fasteners to the workpiece simultaneously.

6. Claims 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards.

Edwards teach the limitation except Regarding Claim(s) 8, the plurality of fastener

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dispensers and with an ejector adapted to move fastened media from the apparatus; and

Regarding Claim(s) 11, another motor for moving the plurality of fastener heads to desired locations with respect to the media.

Official notice is taken that the utilizing an ejector adapted to move fastened media from the apparatus and motor for moving the plurality of fastener heads to desired locations with respect to the media is well known in the art and It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilizing these apparatus on the device of Edwards so as to easily fasten the media with multiple fastener simultaneously .

***Allowable Subject Matter***

7. Claims 2-4,13,15,16 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John C. Hong whose telephone number is 571-272-4529. The examiner can normally be reached on M-F(07:00-16:30)First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on 571-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John C. Hong  
Primary Examiner  
Art Unit 3726

jh

December 12, 2005